

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2006 MAY 30 A 9

James P. McDonald 236354

Plaintiff

PRO SE

VS

CS. NO: 2:06-CV-284-MHT

Richard Allen, Bob Riley,
Troy King, Board of Pardons and
Paroles et. al.; Defendants

Individual Capacities

MOTION FOR DISCOVERY OF DOCUMENTS
PURSUANT TO FEDERAL RULES OF CIVIL
PROCEDURE RULE (26-38)

COMES NOW THE PLAINTIFF(S) IN THE ABOVE STYLED COURT AND
Filing A MOTION FOR DISCOVERY OF DOCUMENTS PURSUANT TO
FEDERAL RULES OF PROCEDURE CIVIL RULE 26-38, THE PLAINTIFFS FILED
A 42 USC § 1983 Action Challenging the Conditions of
Confinement At the Easterling Corr. Fac. Doc.

THE PLAINTIFFS REQUEST Production of Documents From STATE
AND FEDERAL INSPECTIONS REPORTS for DRINKING WATER and ABOVE
GROUND WATER STORAGE located ON STATE PROPERTY with
FEDERAL CODES that REGULATE THE WATER SOURCE AT E.C.F.
200 WALLACE DR. Clio, AL. 36017-2615.

PLAINTIFF(S) REQUESTING Documents to BE Produced by
STATE AND Federal, THE CODES OF REGULATORY STATUTES for
EASTERLING

1.

CORR. FAC. PRISONER living Design Capacity and space limiting
 IN ALL DORMS, TRADE SCHOOLS, DRUG TREATMENT DORMS, BATH ROOMS,
 PRESENT FUNCTIONING CAPACITIES AND LAUNDRY UNITS PRESENT
 ENGINEERED WORKING CAPACITIES AND THE DINNING HALLS
 SAFE HEALTH FUNCTIONING RATED DESIGN CAPACITY.

PLAINTIFFS REQUESTS PRODUCTION OF DOCUMENTS FROM STATE AND
 FEDERAL FIRE INSPECTORS, THEIR NAMES AND ADDRESSES, WHO
 INSPECTED FIRE SAFETY EQUIPMENT SYSTEMS AT THE E.C.F.
 DISCLOSE WHAT THE FIRE INSPECTORS FINDINGS FINDINGS ARE
 FROM THE OPENING UP OF THIS FACILITY TO THE PRESENT 2006.

PLAINTIFFS REQUESTING PRODUCTION OF DOCUMENTS FROM STATE
 AUTHORITIES, A DESIGN CAPACITY FOR THE LAW LIBRARY LOCATED
 IN THE GYM STORAGE ROOM AT THE EASTERLING CORR. FAC.
 PRODUCE STATE AND FEDERAL CODES REGULATING THE PLAINTIFFS
 USE OF THE LAW LIBRARY FOR THE PRESENT (200-300) INMATE
 CAPACITIES.

PLAINTIFFS REQUESTS PRODUCTION OF DOCUMENTS FROM THE
 E.C.F. PRISON HEALTH CARE UNIT, REPORTS AND LABORATORY
 FINDINGS OF THE COMMUNICABLE DISEASES, FROM STAPH
 BACTERIA, (TB) HEPATITIS (B) (C) LIST FACILITIES THAT HAVE
 BEEN QUARANTINED FOR THESE CONDITIONS IN THE LAST 10
 YEARS.

PRODUCE DOCUMENTS OF TREATMENT FOR SCABIES AND STAPH INFECTIONS FROM 1990 TO 2006 AT THE E.C.F AND MEDICAL RECORD FOR PLAINTIFFS AT THIS FACILITY
PRODUCE SYPHILLUS RECORDS AND TREATMENT REPORTS.

PLAINTIFF REQUESTS PRODUCTION OF DOCUMENTS FROM STATE AUTHORITIES, HOW MANY PRISONERS DIED AT THE E.C.F DATES OF DEATH FROM 1990 TO 2006 AND THE CAUSE OF DEATH IN ALL CASES.

PLAINTIFFS REQUEST PRODUCTION OF DOCUMENTS FROM THE STATE BOARD OF HEALTH CLIO, AIA, INSPECTIONS REPORTS FOR E.C.F, THE NAMES AND ADDRESSES OF INSPECTORS RESPONSIBLE FOR MAKING THE INSPECTIONS, FROM 1990 TO 2006, PRODUCE DOCUMENTS OF HEALTH REPORTS FROM E.C.F TO THE Bd. OF HEALTH.

PLAINTIFF REQUEST PRODUCTION OF DOCUMENTS FROM CENTRAL RECORDS, FROM 1990 - 2006 THE RATIO OF PRISONERS ENTERING AND LEAVING THE A.D.O.C,

PLAINTIFF REQUEST PRODUCTION OF DOCUMENTS FROM CENTRAL RECORDS A.D.O.C TOTAL PAROLEES REVOKED AND RETURNED FOR TECHNICAL REASONS. THE NUMBER OF PAROLE VIOLATORS BEING HELD FOR 3-YEARS OR MORE.

PLAINTIFF REQUEST Production of Documents From Central Records For A.D.O.C Authorities THATS SPECIFIC OF THE WORKING Managing Capacities For STATE PAROLE OFFICERS. Produce Records of THE NUMBER OF PAROLE OFFICERS AT THIS PRESENT PAROLEE CAPACITY WITH THE REQUIRED NUMBER OF PAROLE OFFICERS NEEDED for Present Parole Capacity. Produce Documents, Parole officers Ratio of PAROLEES PER OFFICER AT PRESENT Capacities and THE NUMBER OF Parole officers NEEDED for Present Capacities.

PLAINTIFF REQUEST Production of Document From THE A.D.O.C. LEGAL DIVISIONS OF Complaints, Claims, and Charges Against A.D.O.C AT the E.C.F FOR SEWAGE TREATMENT WASTE Dumping and Produce Documents of THE Judgements For this violation BETWEEN 1990-1994

PLAINTIFF REQUEST Production of Documents From THE STATE AND FEDERAL INSPECTORS WITH THE Dept. OF Environmental Management, Reports of their Findings AT THE E.C.F. Produce Documents of STATE AND FEDERAL Codes THAT REGULATE E.C.F SEWAGE TREATMENT. Produce Documents for limited SEWAGE TREATMENT Capacities For THIS Institution and ITS Dumping Capacities.

Produce Documents THAT DISCLOSE THE REASONS For shutting DOWN THE E.C.F. BETWEEN 1990-1993

Plaintiff Requesting Production of Documents From Bookkeeping and Accounting with the A.D.O.C TO DISCLOSE THE AMOUNT OF OVERTIME WORKED BY CORRECTIONS OFFICERS AT THE E.C.F. From 1990-2006

Plaintiff Requesting Production of Documents From THE FED. BUREAU OF PRISONS, REGULATING STATE FACILITIES, THE CRITERIA FOR STATE CORR. OFFICERS AT THE E.C.F. PRODUCE DOCUMENTS THAT GIVE THE MAXIMUM AMOUNT OF SAFE WORKING HOURS WEEKLY A.D.O.C STAFF CAN LEGALLY WORK AND MAINTAIN PHYSICAL AND MENTAL STABILITY.

Plaintiff REQUEST PRODUCTION OF DOCUMENTS FROM STATE PRISON REGULATORS TO PRODUCE THE NUMBER OF CORRECTIONS OFFICERS NEEDED FOR THE PRESENT (200-300) PRISONER CAPACITY AT THE E.C.F., PRODUCE DOCUMENTS THAT PROVIDE THE LEGAL DESIGN CAPACITY FOR THE E.C.F. - STATE AND FEDERAL CODES

Plaintiff REQUEST PRODUCTION OF DOCUMENTS TO PROVIDE THE AIR QUALITY DESIGN VENTILATION SYSTEMS LEGAL WORKING CAPACITY, CUBIC FEET OF AIR PER INMATE, DESIGNED BY THE LENNOX COMPANY.

Plaintiff REQUEST PRODUCTION OF DOCUMENTS FROM THE E.C.F. THAT PROVIDE THE AMOUNT OF PURCHASES FOR PILLOWS, MATTRESSES, BEDDING, BLANKETS, SHEETS, PILLOW CASES, (2003-2006)

PLAINTIFF REQUEST Production of Document to Provide PLAINTIFF WITH COPIES OF THE ALABAMA Board of Pardons and Paroles Administrative Code, and the Central Review Boards Administrative Inmate Classification Guidelines and Board Policies.

PLAINTIFF REQUESTS Production of Documents From THE A.D.O.C. Administration's Dept. to Provide Drug Treatment Policies and Inmate CRITERIA. PROVIDE Documents From ALABAMA'S Sentencing Commissions, Prison TASK FORCE CURSORY EVALUATION OF D.O.C.S Drug Treatment Programs DONE in 2005. Produce Crime Bill, Substance Abuse Programs Certifications and Treatment qualifications,

PLAINTIFF REQUEST Production of Documents From THE CITY OF Clio, ALABAMA, Provide water Distribution Capacities For the Prison and THE CITIZENS OF Clio. From 1990 to 2006. Produce Documents of all water sources IN THE Clio, AREA.

PLAINTIFF REQUEST Production of Documents From STATE Bd. of Health to Provide Codes that Regulate Compost, Chicken Houses, (Decayed organic matter) IN Around Institutional Facilities For THE STATE OF ALABAMA AT THE E.C.F.

Produce Documents THAT Provide From THE STATE Bd. OF Health For the E.C.F and the V.C.F (Ventress) Provide Documents of (TB) Hepatitis (B) (C), All Institutional Health CARE UNITS Reports TO THE STATE HEALTH CARE Produced.

Plaintiff Requests Production of Documents From Central Records to Provide Documentation of all violent offenders who ARE Participating in A work-PRE-Transitional Release Program WITH THE A.D.O.C

Plaintiff REQUEST Production of Documents From THE Administrative Board for the D.O.C TO Provide Documentation OF DATES that Cut and ended work RELEASES, P.D.C, SIR, Boot Camps, Provide documents that give Detailed Reasons for Cutting these Programs From THE A.D.O.C

Plaintiff REQUEST Production of Documents From A.D.O.C TO Provide Documents for the 1990 Good Time LAW Raised from 10-YEARS to 15-YEARS. Prior to may 1980; Provide 10-YEAR Good time LAWS Documents, CRITERIA, and legislation. Produce Documents For (I.G.T) and Administrative Regulations Criteria for Prisoners Participating in THESE Programs Provide Documents THAT GIVE Detailed REASONS For Cutting these Programs From THE A.D.O.C

Plaintiff REQUEST THIS Honorable MAGISTRATES
 Judge DISCRETION TO GRANT PLAINTIFFS 42 U.S.C. § 1988
 (1983) PROVIDE THAT "(IN ANY ACTION OR PROCEEDING
 TO ENFORCE A PROVISION" OF CERTAIN STATUTES, INCLUDING
 § 1983 "THE COURT IN ITS DISCRETION, MAY ALLOW THE
 PREVAILING PARTY... A REASONABLE ATTORNEYS FEE AS PART
 OF COSTS" SEE SMITH V. ROBINSON, 468 U.S. 992, 1006
 (1984) (SECTION 1988 GIVES COURTS BROAD AUTHORITY TO MAKE
 § 1988 ATTORNEY FEE AWARDS); C.F. NORTH CAROLINA DEPT. OF
 TRANSPORTATION V. CREST ST. COMMUNITY COUNCIL, INC. 1078 CT.
 336, 342 (1986) (COURTS MAY GRANT ATTORNEYS FEES UNDER
 § 1988 ONLY FOR ACTION TO ENFORCE ANY NUMERATED
 CIVIL RIGHTS STATUTES)

Plaintiff WILL ALSO REQUEST THIS Honorable MAGISTRATE
 Judge TO GRANT (PRO SE), SEE HANES V. KERNER, 404 U.S.
 514, 520 (1972) (PER CURIAM) (PRO SE) COMPLAINT SHOULD NOT
 BE DISMISSED FOR FAILURE TO STATE CLAIM UNLESS IT
 APPEARS BEYOND DOUBT THAT PLAINTIFF CAN PROVE NO FACTS
 IN SUPPORT OF CLAIM THAT WOULD ENTITLE HIM TO RELIEF,
 PRISONER SHOULD BE ALLOWED TO INTRODUCE EVIDENCE OF
 INJURIES AND DEPRIVATION OF RIGHTS CAUSED BY
 OVERCROWDING CONFINEMENT TO SUPPORT § 1983 CLAIM.

CONCLUSION

PLAINTIFFS) Pray that THIS Honorable MAGISTRATE (JUDGE) GRANT THIS Motion FOR DISCOVERY OF DOCUMENTS, AS THIS WILL PROVIDE PLAINTIFFS) WITH THE EVIDENCE TO PROCEED IN THEIR 1983 CLASS CLAIM.

RESPECTFULLY Submitted: James P. McDonald
PLAINTIFF PRO SE
PRINT NAME: JAMES P. McDonald

CERTIFICATE OF SERVICE

I, James P. McDonald, DO HEREBY CERTIFY THAT PURSUANT TO 28 USC § 1746 UNDER PENALTY OF PERJURY, MAILED A COPY OF THIS MOTION TO THE STATE AGENCIES LISTED HEREIN BELOW, BY PLACING THIS MOTION FOR DISCOVERY OF DOCUMENTS IN THE U.S. POST OFFICE AT EASTERLING CORR. FAC. IN AN ENVELOPE AT 200 WALLACE DR. C110, AL 36017-2615, DONE THIS 23rd day of May 2006.

STATE AGENCIES MAILED:

CLERK OF THE COURT
P.O. Box 711
MONTGOMERY, ALABAMA
36101-0711

RICHARD ALLEN et. al.,
101 SOUTH UNION ST.
MONTGOMERY, ALABAMA
36130-1501

PLAINTIFF DECLARES UNDER PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE and CORRECT
EXECUTED ON THIS 23rd day of MAY 2006

SIGNED: James P. McDonald

PLAINTIFF

PRO SE

E.C.F.

200 WALLACE DRIVE

C110, ALABAMA 36017-2615